

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES
DECEMBER 5-6, 2011**

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at http://www.waterboards.ca.gov/board_decisions/adopted_orders/.

CALL TO ORDER

Chairman Hoppin called the meeting to order on December 5, 2011 at 9:05 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Tam M. Doduc

STAFF PRESENT

Tom Howard, Executive Director	Jonathan Bishop, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jeanine Townsend, Clerk to the Board
Lori Okun, Office of Chief Counsel	Bruce Fujimoto, Division of Water Quality
Anne Hartridge, Office of Chief Counsel	Rik Rassmussen, Division of Water Quality
Marleigh Wood, Office of Chief Counsel	Vicky Whitney, Division of Water Quality
Yuri Won, Office of Chief Counsel	Phil Isorena, Division of Water Quality
Liz Haven, Division of Financial Assistance	George Kostyrko, Office of Public Affairs
Jim Maughan, Division of Financial Assistance	Jim Kassell, Division of Water Rights
Meghan Brown, Division of Financial Assistance	Janet O'Hara, San Francisco Bay Regional Board
Christopher Stevens, Division of Financial Assistance	Michael Adackapara, Santa Ana Regional Board
Daniel Newton, Division of Financial Assistance	Kurt Berchtold, Santa Ana Regional Board
David Balgobin, Division of Financial Assistance	

ANNOUNCEMENT

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

BOARD MEETING

Public comments on agenda items will be limited to 3 minutes or otherwise at the discretion of the Board Chairman

PUBLIC FORUM

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

Commenters

Richard Margetson, Concerned Citizens of Los Osos

BOARD BUSINESS

1. The Board will consider adoption of the October 18 & November 1, 2011 Board Meeting minutes.

Motion: Vice Chair Spivy-Weber moved to adopt the minutes from the October 18, and November 1, 2011 Board Meeting.

Seconded by: Member Doduc

MOTION CARRIED: ([10/18/11](#) & [11/1/11](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

2. Board Member Report.

None

SAN FRANCISCO BAY REGIONAL WATER BOARD

3. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the San Francisco Bay Region that refines the beneficial uses for [Hayward Marsh](#) and clarifies the bacterial water quality objectives that apply to it. (*Written comments were due on October 28, 2011 by 12 noon.*) ([Staff Presentation](#))

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2011-0057](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

4. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the [San Francisco Bay Region that lists additional surface water bodies and designates beneficial uses for approximately 375 surface water bodies](#). The Basin Plan amendment will provide clarity and transparency to the public about the beneficial uses of surface waters in the San Francisco Bay Region. (*Written comments were due on July 28, 2011 by 12 noon.*) ([Staff Presentation](#))

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0058](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

DIVISION OF FINANCIAL ASSISTANCE

5. Consideration of a proposed Resolution authorizing amendments to the financing agreements for the County of San Luis Obispo [Los Osos Wastewater Clean Water State Revolving Fund Project No. 5230](#).

- [Comment Letters](#)

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Resolution 2011-0059](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

Commenters

Bruce Gibson, County of San Luis Obispo

John Waddell, County of San Luis Obispo ([Presentation](#))

Paavo Ogren, County of San Luis Obispo

Richard Margetson, Concerned Citizens of Los Osos

6. [Santa Ana Regional Water Quality Control Board Proposed Sector Specific Industrial Storm Water Permit.](#)

No Action Taken

- ❖ [Comment Letters](#)
- ❖ ***Kurt Berchtold, Executive Officer and Michael Adackapara both with the Santa Ana Regional Water Board made the [presentation](#) to the Board.***

Commenters

Garry Brown, Orange County Coastkeeper ([Presentation](#))
George Adams, SA Recycling
Roger Griffin, Ecology Auto Parts

7. Third Annual Update on Efforts to [Assist Small and/or Disadvantaged Communities in Meeting their Wastewater Needs.](#)

No Action Taken

- ❖ [Comment Letters](#)
- ❖ ***Megan Brown with the Division of Financial Assistance made the presentation to the Board.***

8. Annual report from the [Statewide Advisory Committee on Cooling Water Intake Structures \(SACCWIS\) with recommendations on the implementation of the Once-through Cooling Water Policy.](#)

No Action Taken

- ❖ ***Jonathan Bishop, Chief Deputy Director made the presentation to the Board.***

Commenters

David Nelson, Coastal Alliance or Plant Expansion

The Board recessed at 12:50 p.m.

Tuesday, December 6, 2011

CALL TO ORDER

Chairman Hoppin resumed the meeting on December 5, 2011 at 9:05 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2nd Floor, Sacramento, California.

BOARD MEMBERS PRESENT

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Tam M. Doduc

STAFF PRESENT

Tom Howard, Executive Director	Jonathan Bishop, Chief Deputy Director
Michael Lauffer, Chief Counsel	Jeanine Townsend, Clerk to the Board
Caren Trgovcich, Chief Deputy Director	Nirmal Sandhar, Division of Water Quality
Phil Wyels, Office of Chief Counsel	Vicky Whitney, Division of Water Quality
Stacy Gillespie, Office of Chief Counsel	Paul Hann, Division of Water Quality
Emel Wadhvani, Office of Chief Counsel	Shahla Farahnak, Division of Water Quality
Anne Hartridge, Office of Chief Counsel	Rik Rassmussen, Division of Water Quality
Frances McChesney, Office of Chief Counsel	Ken Harris, Division of Water Quality
Sarah Olinger, Office of Chief Counsel	Gaylon Lee, Division of Water Quality
Jennifer Fordyce, Office of Chief Counsel	Shahla Farahnak, Division of Water Quality
Tom Vandenberg, Office of Chief Counsel	Renee Purdy, Los Angeles Regional Water Board
Liz Haven, Division of Financial Assistance	Sam Unger, Los Angeles Regional Water Board
Jim Maughan, Division of Financial Assistance	Jenny Newman, Los Angeles Regional Water Board
Pete Mizera, Division of Financial Assistance	L.B. Nye, Los Angeles Regional Water Board
Darrin Polhemus, Division of Administrative Services	Jeanne Chilcott, Central Valley Regional Water Board
Jose Angel, Colorado River Basin Regional Water Board	George Kostyrko, Office of Public Affairs
Eric Oppenheimer, Office of Research, Planning & Performance	

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PRESENTATION OF SUPERIOR ACCOMPLISHMENT AWARDS

- ❖ *Vicky Whitney, Deputy Director of the Division of Water Quality presented the Superior Accomplishment Award to the Water Quality Assessment Team consisting of the following individuals: Shakoora Azimi-Gaylonm, Jessie Maxfield, Nancy Kapellas, Jeffrey Shu, Jaclyn Pimental, Randy Yates, Steve Blum, Jeff Kapellas & Stephanie Buckman*

UNCONTESTED ITEMS* (ITEMS 9-11)

- *9. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Colorado River Basin Region to revise indicator bacteria for the [Coachella Valley Storm Water Channel](#). (Written comments were due on October 10, 2011 by 12 noon.)

- [Change Sheet #1](#)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution with changes in Change Sheet #1.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2011-0060](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

- *10. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Colorado River Basin Region establishing a Total Maximum Daily Load and Implementation Plan for [dissolved oxygen in the New River](#) at the international boundary. (*Written comments were due on October 27, 2011 by 12 noon.*)

This Item was removed from Uncontested.

Motion: Chairman Hoppin moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0061](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

Commenters

Alexis Strauss, U.S. EPA

- *11. Consideration of a proposed Resolution authorizing the Executive Director or designee, on behalf of Cal/EPA and all other agency departments, boards and offices, to enter into a [contract with the Regents of UC Berkeley for mandated scientific peer review and other expert review and curriculum review services](#).

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

Seconded by: Member Doduc

MOTION CARRIED: ([Resolution 2011-0062](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

INFORMATIONAL ITEM

12. [Central Valley Salinity Alternatives for Long-Term Sustainability \(CV-Salts\) Annual Progress Report](#).

- ❖ ***Jeanne Chilcott with the Central Valley Regional Water Board along with the following Stakeholders: David Cory, Central Valley Salinity Coalition; Parry Klassen, East San Joaquin Water Quality Coalition; Mike Nordstrom, Tulare Lake Drainage District/Tulare Lake Basin Water Storage District; and Jeff Willets, City Of Stockton made the [presentation](#) to the Board.***

Commenters

Karl Longley, Central Valley Regional Board

Ken Landau, Central Valley Regional Board

COLORADO RIVER REGIONAL WATER BOARD

13. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the [Colorado River Basin Region to correct or update language, tables and figures](#). (Written comments were due on October 10, 2011 by 12 noon.)

- [Change Sheet #1](#)

Motion: Vice Chair Spivy-Weber moved to adopt the proposed Resolution with changes proposed in Change Sheet #1.

Seconded by: Chairman Hoppin

MOTION CARRIED: ([Resolution 2011-0063](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

LOS ANGELES REGIONAL WATER BOARD

14. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a Total Maximum Daily Load (TMDL) for [Debris in Nearshore and Offshore Santa Monica Bay](#). (Written comments were due on October 27, 2011 by 12 noon)

Motion: Member Doduc moved to adopt the proposed Resolution.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0064](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

Commenters

Alexis Strauss, U.S. EPA

Shokoufe Marashi, City of Los Angeles, Bureau of Sanitation

Susie Santilena, Heal the Bay

Ted Harris, California Strategies on behalf of City of Malibu

15. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) [for pesticides and polychlorinated biphenyls \(PCBs\) in Machado Lake](#). (Written comments were due on October 27, 2011 by 12 noon.)

Motion: Member Doduc moved to adopt the proposed Resolution with new resolve clause by Member Doduc and staff and read into record by Chief Counsel Lauffer.

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0065](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber
Member Doduc

Nay: None

Absent: None

Abstain: None

Commenters

Alexis Strauss, U.S. EPA

Shokoufe Marashi, City of Los Angeles, Bureau of Sanitation

Susie Santilena, Heal the Bay

16. Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load (TMDL) [for toxic pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters](#). (Written comments were due on October 28, 2011 by 12 noon.)

No Action Taken – Deferred to a future Board Meeting

Commenters

Alexis Strauss, U.S. EPA
Carol Chen, City of Cerritos
Charles Menzie, Montrose Chemical Corp. of California ([Presentation](#))
Christopher Patton, Port of Los Angeles
Cliff Moriyama, California Building Industry Association
Larry Forester, City of Signal Hill
Lauren Ross, Cal Chamber, La Chamber and NAIOP-SoCal
Paul Singarella, Montrose Chemical Corp. of California
Ray Tahir, Various Cities in LA County (Azusa, Baldwin Park, Claremont, Duarte, El Monte, South El Monte, San Fernando and West Covina)
Dr. Robert Kanter, Port of Long Beach ([Presentation](#))
Dr. Susan Paulsen, Flow Science (Cities of Arcadia, Bell Gardens, Bellflower, Carson, Commerce, Covina, Downey, Hawthorne, Hawaiian Garden, Irwindale, Pico Rivera, Rosemead, San Gabriel, Sierra Madre Southgate, Vernon and West Covina)
Susie Santilena, Heal the Bay

DIVISION OF WATER QUALITY

17. Consideration of adoption of: [\(1\) a proposed Mitigated Negative Declaration and \(2\) a proposed Statewide Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands in California](#). (Written comments were due on November 21, 2011 by 12 noon.)

Motion: Chairman Hoppin moved to adopt the proposed Resolution adopting the Mitigated Negative Declaration with changes proposed in [Change Sheet #1](#).

Seconded by: Vice Chair Spivy-Weber

MOTION CARRIED: ([Resolution 2011-0066](#))

Aye: Chairman Hoppin
Vice Chair Spivy-Weber

Nay: None

Absent: None

Abstain: Member Doduc

Motion: Chairman Hoppin moved to adopt the Statewide Waiver with changes proposed in [Change Sheet #2](#) and optional language presented by Staff.

Seconded by: None

MOTION FAILED

Commenters

Amy Granat, California Off-Road Vehicle Association
Bill Thomas, General Public
Craig Thomas, Sierra Forest Legacy
Fredrik Jacobsen, San Diego Gas & Electric
Jesse Barton, California Off-Road Vehicle Association
John Buckley, Central Sierra Environmental Resource Center
John Stewart, California Association of Four-Wheel Drive Clubs
Justin Oldfield, California Cattlemen's Association
Karen Schambach, Public Employees for Environmental Responsibility
Laurel Ames, California Watershed Network
Lisa Belenky, Center for Biological Diversity
Norman Gonzales, U.S. Representative Tom McClintock

Commenters (cont'd)

Ricardo Moreno, Southern California Edison

Robert Lucas, California Council for Environmental and Economic Balance

INFORMATIONAL ITEM

18. [Executive Director's Report.](#)

ADJOURNMENT

The Board adjourned at 5:50 p.m.

CLOSED SESSION

Closed Sessions are not open to the Public

DIVISION OF WATER RIGHTS

This closed session is authorized under Government Code section 11126, subdivision (c)(3).

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Petitions for Reconsideration of State Water Board Order WR 2011-0005 regarding a Cease and Desist Order issued to Woods Irrigation Company for diversion from Middle River in San Joaquin County.

The Board did not meet in Closed Session on this Item.

- The Board will meet in closed session to deliberate on a proposed decision pertaining to the Alleged Waste and Unreasonable Use of Water by Hidden Lakes Estates Homeowners Association in Placer County.

The Board did not meet in Closed Session on this Item.

- The Board will meet in closed session to deliberate on a decision to be reached pertaining to Petitions for Reconsideration filed by Millview County Water District and by Thomas Hill and Steven Gomes for review of State Water Board Order WR 2011-0016 regarding a Cease and Desist Order concerning the threat of unauthorized diversion from the Russian River in Mendocino County.

The Board met in Closed Session on this Item.

OFFICE OF CHIEF COUNSEL

The Board will meet in closed session to discuss the status of and receive legal advice concerning *Monterey Peninsula Water Management District, et al., v. State Water Resources Control Board, et al.*, Santa Clara County Superior Court, Lead Case No. 1-10-CV-163328 and consolidated cases. (This closed session is authorized under Government Code section 11126, subdivision (e).)

The Board met in Closed Session on this Item.

IMPORTANT INFORMATION!!

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on November 30, 2011, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on November 30, 2011, and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at commentletters@waterboards.ca.gov. Please indicate in the subject line, "**12/5-6/2011 BOARD MEETING (fill in bolded subject from appropriate item).**" If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: http://www.waterboards.ca.gov/board_info/calendar/index.shtml

* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.